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SUBJECT: TSVANGIRAI CHALLENGES ZANU-PF ACTIONS

¶1. (U) Today's "The Herald" announced that Zimbabwean president Robert Mugabe had reassigned a number of permanent secretaries and would make additional appointments of permanent secretaries in due course. Prime Minister Morgan Tsvangirai held a noon press conference, accompanied by deputy prime minister Arthur Mutambara, to address this and other problematic issues.

¶2. (U) Tsvangirai said he had not been consulted about the appointments. They were not legally made and were without effect. (NOTE: Recently adopted Amendment 19 provides the appointment of senior officials, including permanent secretaries, to be made by "the leadership in Government, comprising the President, the Vice-Presidents, the Prime Minister and Deputy Prime Ministers" after consultation and agreement. END NOTE.) He stated he would discuss this with Mugabe tomorrow.

¶3. (U) Referring to the SADC Communique of January 27, Tsvangirai said the appointments of Reserve Bank of Zimbabwe governor Gideon Gono and Attorney General Johannes Tomana, as well as those of governors, should be dealt with immediately. (NOTE: Tsvangirai's position is that the appointments of Gono and Tomana violated the September 15 Global Political Agreement as they should have awaited the formation of the new government. ZANU-PF and the MDC have agreed that six of the 10 ZANU-PF governors should be replaced by five MDC-T governors and one MDC-M governor, but this has not yet occurred. END NOTE.)

¶4. (U) A spate of farm invasions has taken place within the last few weeks. Tsvangirai said this was disruptive to farming operations and the economy, and was in violation of the rule of law. He was directing the Ministers of Home Affairs to bring the weight of the law against those responsible in order to end a "culture of impunity and entitlement."

¶5. (U) Turning to political detainees, Tsvangirai said he had met with Mugabe last week and that the president had agreed that those charged be released on bail, and that those

not charged be released unconditionally. The Attorney General was "willfully obstructing" release of detainees by abusing the appeals process.

16. (U) Tsvangirai concluded by saying that he was encouraged by the momentum the government was developing toward finding a solution to the country's problems.

COMMENT

17. (SBU) Despite Mugabe's "offer of friendship and solidarity" to work with Tsvangirai made at Tsvangirai's inauguration, the appointment of permanent secretaries is a provocative act which, combined with continued detentions, is clear evidence of bad faith. While there are press reports indicating that the MDC is considering pulling out of the government in response, this does not appear, however, to be the case. To his credit, Tsvangirai is confronting ZANU-PF backsliding publicly and also directly with Mugabe. Whether Tsvangirai can pressure ZANU-PF and Mugabe to respond appropriately is another question. END COMMENT.

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MCGEE